

**april 01, 2010**

# **RESEARCH REVIEW**



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APRIL 01, 2010

**HOUSE RESEARCH DIVISION STAFF**

AGRICULTURE  
Jeremy Maxwell

CHILDREN & FAMILY AFFAIRS  
Amelia Mitchell

COMMERCE  
Todd A. Staley, Esq.

CONSERVATION & ENVIRONMENT  
Jeremy Maxwell

CONSUMER & EMPLOYEE AFFAIRS  
Lucy Wilson

EDUCATION  
Patrick Boggs

FINANCE, WAYS & MEANS  
Julie Travis  
Traveda Jordan, Assistant

GOVERNMENT OPERATIONS  
Will Walker

HEALTH & HUMAN RESOURCES  
Judy Narramore

JUDICIARY  
Clement Ledbetter  
Todd A. Staley, Esq.

STATE & LOCAL GOVERNMENT  
Daniel Culbreath

TRANSPORTATION  
Jeremy L. Elrod

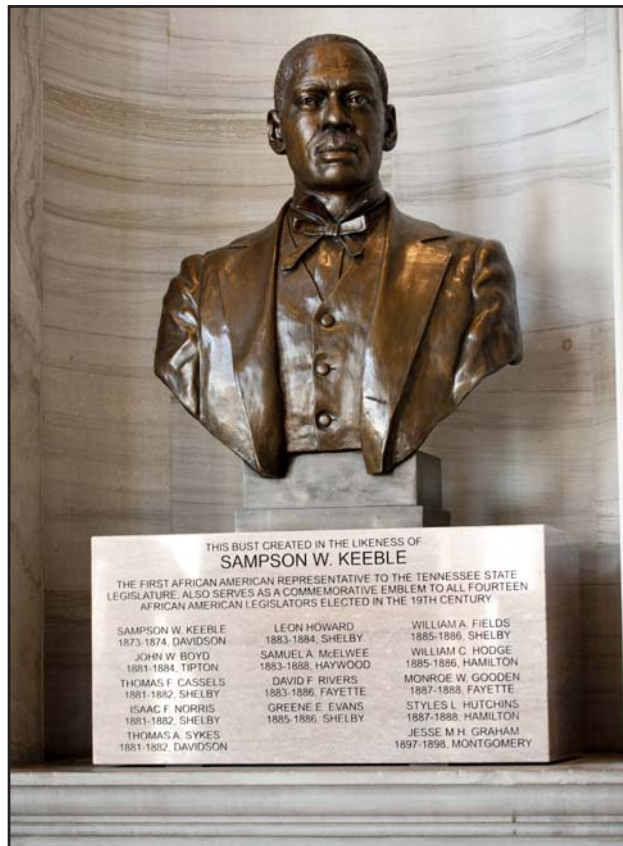
PHOTOGRAPHY  
Jed DeKalb  
Andrew McMurtrie  
Theresa Montgomery

DESIGN & LAYOUT  
John Newman

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The unveiling of the bust of Sampson W. Keeble, the first African-American elected to the Tennessee Legislature, took place this week.

Descendants of Mr. Keeble were on hand to celebrate the commemorative event.

Representative Tommie Brown spearheaded the effort which resulted in the sculpture of Mr. Keeble's likeness.

Sampson W. Keeble was from Davidson County and served in the 38<sup>th</sup> General Assembly in the years 1873 and 1874.



HOUSE RESEARCH DIVISION  
Denise Sims, Director

7th Floor, Rachel Jackson Building  
Nashville, TN 37243  
615-741-3025  
www.capitol.tn.gov





## AGRICULTURE

Jeremy Maxwell

### THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider seven bills on calendar.

The following bills were *referred to Calendar & Rules as amended*:  
**HB 3379 (Sontany)** changes the required holding period by a humane society before destroying an abandoned animal from 72 hours to 120 hours. The bill, as amended, states any agent or officer of a society may lawfully destroy or cause to be destroyed any animal seized, found abandoned or otherwise.

**HB 3749 (Sontany)**, as amended, makes the bill. It limits civil liability for individuals, veterinarians, ancillary veterinarian personnel, and animal

control agents who provide or obtain medical care or treatment for non-livestock animals found abandoned, injured, running at-large, or in distress due to an emergency or is a stray.

The following bill was *referred to Finance, Ways & Means as amended*:  
**HB 3136 (Bone)**, as amended, makes the bill. It establishes the “Tennessee Catfish Marketing Law” which requires all food service establishments serving catfish, catfish products, siluriformes, or siluriforme products to notify customers, upon customer request, of the country of origin of the product. Also prohibits an owner or manager of a food service establishment from misrepresenting the origin of catfish or catfish products to the public either verbally, by signage, or on the menu.

The following bills were *deferred one week*:

**HB 3858 (Towns)**  
**HB 3913 (Lundberg)**  
**HB 627 (Maggart)**


The following bill *failed for lack of motion*:

**HB 3386 (Sontany)**

The committee also heard a presentation by the First of the Sixteenth Agribusiness Development Team.

### GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee did not meet this week.



## CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

The **Children & Family Affairs Committee** met on Tuesday March 30<sup>th</sup> and considered the following legislation:

#### Passed to Calendar & Rules:

**HB 3424 by Rep. Litz** as amended, states that the Department of Children’s Services shall have made a reasonable effort to establish a suitable home for a child if the department’s efforts exceeded that of the parent or guardian of that child.

#### Deferred one week:

**HB 3423 by Rep. Litz** states that a man shall not be a legal parent based solely on scientific testing, but such testing may be a basis for a court of

competent jurisdiction to establish paternity.

**HB 3425 by Rep. Litz**, under certain instances, abolishes the requirement to run a publication for an unknown father when there is no legal father at the time the adoption is filed.

**HB 3647 by Rep. Stewart** as amended enacts amendments to the Uniform Interstate Family Support Act.

**HB 33 by Hardaway** as amended requires notice be given to a parent before the parent is considered to have willfully failed to support or visit a child for purposes of termination of parental rights.

**HB 2916 by Rep. Bell** as amended states that the court shall order a custody arrangement which permits both parents to enjoy the maximum participation possible in the life of the child which is consistent with the child’s best interests. The court shall base these findings on all relevant factors including, but not limited to, the location of the residence of both parents, the child’s need for stability and those factors outlined in Section 36-6-106.

**HB 2992 by Chairman DeBerry** requires a child-placing agency to collect medical and social history on a foster child within 30 days of foster care placement.

**Taken off notice:**

**HB 2629 by Chairman DeBerry** alters the definition of dependent and neglected child to include a child whose parent willfully fails to ensure that the child is enrolled in and attending school.

**FAMILY JUSTICE  
SUBCOMMITTEE**

The **Family Justice Subcommittee** did not meet this week. The following legislation was taken off notice:  
**HB 3115 by Rep. Sherry Jones**

*Subcommittee is closed subject to the call of the chair.*

**DOMESTIC RELATIONS  
SUBCOMMITTEE**

The **Domestic Relations Subcommittee** met on Tuesday March

23<sup>rd</sup> and considered the following legislation:

**Passed to Full Committee:**

**HB 3422 by Rep. Litz and Hackworth** as amended, states that the provisions of Title 36 shall be liberally construed for the accomplishment of its policy and purpose. It shall also be construed in conjunction with the provisions of Section 36-1-143, relative to the termination of parental rights, if such provision becomes law.

**HB 3427 by Rep. Hackworth** as amended establishes a presumption that each parent, age 18 and over, has knowledge of a parent's legal obligation to support his or her child or children.

**HB 3850 by Rep. Richardson** as amended requires DCS to promote collaboration and accountability between various entities including continued departmental accreditation

with the Council on Accreditation for Children & Family Services or its equivalent.

**HB 3114 by Rep. Sherry Jones** as amended develops "Tennessee's Transitioning Youth Empowerment Act of 2010." This will authorize DCS to provide services to youth who are transitioning to adulthood from state custody.

**Failed:**

**HB 2442 by Rep Hardaway**

**Taken off notice:**

**HB 1131 by Rep. Hardaway**

**HB 1132 by Rep. Hardaway**

**HB 1133 by Rep. Hardaway**

*Subcommittee is closed subject to the call of the chair.*



**FULL COMMITTEE**

The **Commerce Committee** passed out eight bills on Tuesday during its full committee meeting.

**HB 2681 (Hill)** prohibits coverage for abortion services under any health care plan established pursuant to federal health care reform legislation.  
[passed to Calendar & Rules]

**HB 2885 (Mumpower)** as amended, creates a small business advocate within the Comptroller's office. The small business advocate will work with different state agencies in assisting small businesses. The amendment clarifies that the position will be filled by existing personnel.  
[passed to Finance, Ways & Means]

**HB 3549 (Maddox)** as amended, creates a fund to reimburse funeral homes that provide funeral services to those who are indigent. This would be funded by any excess money from the current pre-need funeral consumer protection account once that account is over \$2,500,000.  
[passed to Finance, Ways & Means]

**HB 3641 (Todd)** as amended, removes the requirement that local law enforcement must sign off on permits for public fireworks displays. The fireworks company will be required to send written notice to the city police chief and/or the county sheriff giving the date, time, and location of the public display.  
[passed to Calendar & Rules]

**HB 3812 (Hardaway)** as amended, revises various provisions regarding

licensure for locksmiths and locksmith apprentices. Businesses are required register with the state before engaging in the locksmithing business. Also, locksmith licenses and locksmith apprentice registrations may be renewed up to 90 days after expiration if renewal and penalty fees are paid. If the individual fails to renew within the time allotted, then they must file a new application. The amendment also clarifies continuing education requirements.  
[passed to Finance, Ways & Means]

**HB 3465 (McCord)** as amended, exempts any person that solely manufactures and distributes Federal Aviation Administration approved avionic equipment from the licensing requirements under the Board of Examiners for Architects and Engineers. The committee adopted an

amendment that removed the provisions allowing the Board to grant additional waivers.

*[passed to Finance, Ways & Means]*

**HB 1415 (Sargent)** as amended, gives the Commissioner the flexibility to waive the 3-year requirement for out-of-state insurers before they can do business in Tennessee. Currently, an out-of-state insurer must be organized and actively engaged in the insurance business in the state of its incorporation for a period of three years prior to the date of its application to be admitted and authorized to do business in Tennessee.

*[passed to Calendar & Rules]*

**HJR 704 (Lynn)** expresses to Congress opposition to the institution of new federal review, oversight, or preemption of state health insurance laws, the creation of a federal health insurance exchange or connector, and the creation of a federal health insurance plan (public plan) option.

*[passed to Calendar & Rules]*

The following bills were rolled for one week:

**HB 2970 (Odom)**

**HB 3801 (Armstrong)**

**HB 3937 (Maddox)**

**HB 3654 (Stewart)**

**HJR 748 (Hardaway)** was rolled for two weeks.

**HB 3540 (Maddox)** was rolled to the last calendar.

## UTILITIES & BANKING SUBCOMMITTEE

### The Utilities & Banking

**Subcommittee** met on Tuesday and moved one bill to the full committee.

**HB 3504 (Fitzhugh)** authorizes a G&T cooperative to enter into agreements for making of payments in lieu of taxation to any state or local government to the extent that the G&T cooperative's wholesale sale of capacity and energy to a member of the

cooperative results in a diminution in payments in lieu of taxes from the TVA to such state and local governments. An amendment was adopted for a TACIR report on whether the current wholesale power supply arrangements could affect payments in lieu of taxes in the future.

*[moved to full committee]*

**HB 3112 (Richardson)** prohibits a payday lender from providing loans to borrowers via the internet. Commissioner Greg Gonzales testified that the Department of Financial Institutions is currently working with the Attorney General on this issue. Rep. Stewart felt a compromise amendment with the industry could be obtainable and asked the bill be rolled with the subcommittee reconvening if such an amendment is available for consideration.

*[deferred to call of the chair]*

**HB 3111 (Richardson)** was referred to summer study.

**HB 3113 (Richardson)** was rolled to July 2010.

**HB 1498 (Turner J)** failed for lack of a second.

**HB 3593 (Turner J)** failed for lack of a second.

**HB 3771 (Stewart)** failed on a voice vote.

**HB 704 (Turner J)** was taken off notice.

**HB 2727 (Campfield)** was taken off notice.

The subcommittee heard from Commissioner Greg Gonzales with the Department of Financial Institutions regarding the report on the Title Pledge Industry. The Commissioner testified that state examiners are seeing substantial compliance with the law, and the Department is not seeing a lot of the overcharging that was done before

regulations were enacted in 2005. The report indicates that there has been an increase in the number of title pledge loans given. The break-even point for a title pledge business charging 22% interest is 16.7%.

*Subcommittee is closed subject to the call of the chair.*

## SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Wednesday to consider two bills.

**HB 2927 (Sargent)** as amended, makes changes to the TNInvestco Program. The subcommittee heard testimony from Commissioner Reagan Farr with the Department of Revenue. The amendment expands the program to include the two alternates from the original selection process. Also, the TNInvestco funds would remain under the state's control in trust funds managed by the Treasurer until investments are made. The amendment includes a key-man provision that requires each firm to designate key people and indicate who will fill those positions in the event those key people need to be replaced. The Department of Economic & Community Development would also have statutory authority to oversee each firm's investment strategy to ensure it remains consistent with their original application. The bill was rolled to allow members more time to consider the amendment. *[rolled for one week]*

**HB 3191 (Mumpower)** as amended, enacts the "Tennessee Appraisal Management Company Registration & Regulation Act." Under this legislation, appraisal management companies would be under the same rules and regulations as individual appraisers. The subcommittee heard from Randy Button with the Real Estate Appraisers Association. Mr. Button told the



subcommittee that these companies are currently operating without any regulations and they should be held to the same standards as licensed appraisers. The bill was rolled as the subcommittee ran out of time.  
*[rolled for one week]*

## **INDUSTRIAL IMPACT SUBCOMMITTEE**

The **Industrial Impact Subcommittee** met on Wednesday and moved seven bills to the full committee.

**HB 3433 (Bell)** as amended, enacts “Tennessee Health Freedom Act” which declares that it is the public policy of Tennessee that every person has the right to decline or choose any mode of securing health care services without penalty or threat of penalty imposed by the federal government. The amended bill also directs the Attorney General to seek injunctive or other relief if necessary to preserve the rights set forth in the legislation.  
*[moved to full committee]*

**HB 3759 (West)** as amended, would apply the Unfair Trade and Unfair Claims Settlement Act of 2009 to surplus line insurers. Also, the Commissioner of the Department of Commerce & Insurance would have the authority to suspend or permanently remove a surplus line insurer’s ability to do business in Tennessee.  
*[moved to full committee]*

**HB 3782 (Gilmore)** enacts the “Property and Casualty Actuarial Opinion Law.” The bill will allow the Department of Commerce & Insurance to have access to the workpapers of property and casualty company actuaries who prepare the company’s annual financial statement so the Department will have more information in evaluating a company’s financial stability. An amendment was adopted to correct two drafting errors.  
*[moved to full committee]*

**HB 2622 (Lynn)** prohibits the legislature from requiring any person to participate in any health care system or plan.  
*[moved to full committee]*

**HJR 722 (Lynn)** would add a constitutional amendment to declare that it is the policy of this state to have a free enterprise system to govern commerce and trade in Tennessee.  
*[moved to full committee]*

**HJR 745 (Lynn)** would add a constitutional amendment to prohibit any laws or rules that would require any person, employer, or healthcare provider to participate in any health care system.  
*[moved to full committee]*

**HB 3717 (Carr)** as amended, requires insurers to offer Medicare supplement policies to persons who are under 65 years of age and eligible and enrolled in Medicare by reason of disability or end stage renal disease. These individuals would be in a separate pool and premiums could differ based on different rate schedules. The Department is directed to conduct a study in 2016 for the purpose of determining the appropriateness of separate premium rates for populations under 65 years of age and shall evaluate whether continued separate premium rates are justified.  
*[moved to full committee]*

*The following bills were rolled for one week:*

**HB 128 (Hardaway)**  
**HB 1323 (Harmon)**  
**HB 3730 (Tidwell)**  
**HB 3921 (Shepard)**  
**HB 3229 (McCord)**  
**HB 3949 (Sargent)**  
**HB 3940 (Sargent)**  
**HB 3167 (Curtiss)**  
**HB 2875 (Curtiss)**  
**HB 2874 (Curtiss)**  
**HB 396 (Fincher)**  
**HB 3322 (Hackworth)**  
**HB 3832 (Turner M)**  
**HB 3923 (Hardaway)**

*The following bills were rolled to the last calendar:*

**HB 1562 (West)**  
**HB 2417 (Ramsey)**  
**HB 636 (Maggart)**

*The following bills were rolled for two weeks:*

**HB 843 (Johnson C)**  
**HB 3232 (McCord)**

*The following bills were taken off notice:*

**HB 3694 (Matheny)**  
**HB 2692 (Hackworth)**  
**HB 2942 (Hackworth)**  
**HB 2850 (Shepard)**  
**HB 1359 (Niceley)**

**HB 272 (Dean)** failed by a voice vote.

# CONSERVATION & ENVIRONMENT

Jeremy Maxwell

## THE FULL COMMITTEE

The Conservation and Environment Committee met Tuesday to consider eleven bills on calendar.

The following bills were *referred to Calendar & Rules as amended*:

**HB 3909 (Lynn)**, amended, makes the bill. It deletes requirement for a state park master plan and adds a requirement for a state park management plan. Requires analysis of whether the revenue-generating facilities in the park are self-sustaining be included in the plan. Also requires each management plan be posted on the Department of Environment and Conservation's Web site.

**HB 3447 (Stewart)**, as amended, makes the bill. It states the division of parks and recreation shall designate one day per year free of charge for all veterans. This includes access to and use of all state parks, including but not limited to campgrounds and golf courses.

**HB 3619 (Ferguson)**, as amended, makes the bill. It clarifies enclosure requirements for Class I wildlife. Cages at such facilities shall be constructed and maintained so as to provide sufficient space, unless a medical professional advises that an animal's movement should be limited.

The following bill was *referred to Calendar & Rules*:

**HJR 786 (Faulkner)** names and designates Campbell County, "Elk Capital of Tennessee".

The following bill was *referred to Finance, Ways & Means as amended*:  
**HB 3718 (Armstrong)**, as amended, makes the bill. It states any facility that operates for the purpose of extracting,

purifying, dehydrating or otherwise treating landfill methane to prepare such methane for use as a substitute for natural gas is deemed, for the purpose of assessing value for tax purposes, to be a "qualified pollution control facility."

The following bills were *deferred one week*:

**HB 134 (Faulkner)**  
**HB 3842 (Maddox)**  
**HB 2837 (Floyd)**  
**HB 3936 (McCord)**  
**HB 958 (McCord)**  
**HB 3683 (McCord)**

## ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee met Tuesday to consider four bills on calendar. **SJR 306 (Floyd)** was *referred to full committee*. This joint resolution establishes the North Hamilton - Rhea County Creek Management Task Force to study land use practices to manage long-term flooding and develop workable solutions for citizens and governmental entities in the area.

The following bill was *referred to full committee as amended*:

**HB 3287 (Lynn)**, as amended, urges Congress to oppose any federal proposal to enforce laws or regulations on "cap and trade" emissions.

The followings bills were *deferred in subcommittee*:

**HB 899 (Dunn)**  
**HB 455 (McDonald)**

*Subcommittee is closed subject to the call of the chair.*

## WILDLIFE SUBCOMMITTEE

*Subcommittee is closed subject to the call of the chair.*

## PARKS SUBCOMMITTEE

*Subcommittee is closed subject to the call of the chair.*

# CONSUMER & EMPLOYEE AFFAIRS

Lucy Wilson

## THE FULL COMMITTEE

The House Consumer and Employee Affairs Committee met on Wednesday, March 31, 2010, to hear nineteen (19) bills on calendar.

### Passed to Calendar & Rules:

**HB 2817 by Sargent** (SB 2697 by Ketron) requires the same liability as state employees upon special instructors for boilers and unfired pressure vessels.

**HB 3018 by Richardson** (SB 2712 Kelsey) adds, as an unfair or deceptive act under the Tennessee Consumer Protection Act of 1977, the advertising, promoting, selling, or offering for sale an international driver's license. Violations are punishable by a civil penalty of a minimum of \$1,000 up to a maximum \$3,000 per violation in addition to a court ordered civil penalty of up to \$1,000 for each violation.

### Passed to Calendar & Rules as amended:

**HB 3095 by Fitzhugh** (SB 2633 by Johnson) is re-written by the amendment. It states that wages or compensation should be made in 1) lawful money; 2) a valid check; 3) electronic fund transfer; or 4) credit to a prepaid debit card. An employer who chooses to use prepaid debit cards has to explain the procedure and any fees associated with the prepaid card.

If the employee does not designate an account to use by the payroll transfer occurrence, then the employer may pay with a prepaid debit card. If the employer pays with a prepaid debit card, the employee shall be allowed to make at least 1 withdrawal or transfer per pay period without any cost to the employee.

**HB 3299 by McCormick** (SB 2977 by Berke), as amended, authorizes association captive insurance companies to insure obligations under federal legislation that provides compensation and benefits to workers for job related injuries if the company has obtained all necessary approvals by the appropriate federal agencies. The bill also authorizes association captive insurance companies to hold any interest in qualified headquarters property.

### Passed to Finance, Ways and Means:

**HB 3157 by Curtiss** (SB 3605 by Ketron) earmarks revenue from the workers' compensation premium tax to fund the Workers' Compensation Advisory Council.

**HB 3449 by Pitts** (SB 3213 by Finney L) authorizes an individual whose spouse is a member of the armed services of the United States to collect unemployment benefits if the individual has left employment to accompany the spouse when the spouse is subject to a military transfer. The bill requires that the funds to pay these benefits come from state general revenues. It also prohibits the payment of any such benefits from having an adverse effect on the employer's experience rating for purposes of determining premiums.

### Passed to Finance, Ways and Means as amended:

**HB 2928 by Sargent** (SB 2943 by Norris), as amended, adds language to the Workers' Compensation Act to exclude from the right to reconsideration employees who have a reduction in pay or hours due to economic conditions if the reduction in pay or hours affected at least one-half of other hourly employees at the same location.

**HB 3015 by Sargent** (SB 2928 by Johnson), as amended, authorizes a physician to refer injured workers for pain management. The bill establishes the date of presumption of maximum medical improvement as the date when a treating physician makes such determination or at 104 weeks after the commencement of pain management, whichever is earlier.

The Committee heard a detailed explanation of **HB 3163 by Curtiss**, as amended. This bill requires employers to have workers' compensation insurance on their employees. It allows owners to opt out of insuring themselves under specific conditions. It sets up a registry process and system in the Secretary of State's office for persons to register for the exemption. This bill was rolled one week to allow members to review the legislation in more detail.

### Rolled One Week :

**HB 2774 by Hardaway**  
**HB 3162 by Curtiss**  
**HB 3163 by Curtiss**  
**HB 3557 by Rowland**  
**HB 3525 by Maddox**

### Rolled to the Last Calendar:

**HB 2844 by Matheny**  
**HB 2845 by Matheny**  
**HB 3628 by Weaver**

### Taken Off Notice:

**HB 2787 by Hill**  
**HB 2697 by Dennis**  
**HB 2420 by Weaver**  
**HB 2428 by Weaver**



*Subcommittee is closed subject to  
the call of the chair.*

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the call of the chair.*



## FULL COMMITTEE

The **House Education Committee** met on Wednesday, March 24<sup>th</sup> to discuss legislation. Results of their actions are as follows:

*Referred to Calendar & Rules:*

**HJR 781 (Hardaway)** – This resolution directs the Department of Education to study access to optional or magnet schools and programs within Memphis City Schools and to make recommendations regarding the implementation of such programs district wide.

**HB 3416 (Brown)** – This bill requires the Department of Education to encourage lottery afterschool programs to offer programming that is complementary to students' school curriculum.

*Referred to Finance, Ways & Means:*

**HB 59 (Hardaway)** – This bill, as amended, would allow the CoverTN program to access student directory information to determine if those enrolled in public schools are insured or not.

**HB 376 (Coley)** – As amended, this legislation urges the state's teacher training programs to explore ways to incorporate into existing teacher training curriculum research methodologies related to comparative education concepts.

**HB 2975 (Fitzhugh)** – This bill opens the state long-term care insurance program to local government employees including local education employees. There is a Council on Pensions & Insurance amendment traveling with the bill.

**HB 3200 (Winningham)** – This bill, with an amendment, allows LEAs to drug test students that participate in extracurricular activities, at the will of the LEA's board. If a student tests positive for the presence of drugs, LEAs shall ensure that the student receives appropriate counseling services and a referral for an intervention as appropriate. The LEA shall notify and receive written consent from the parents or guardians of affected students before drug testing commences.

**HB 1860 (Brown-)** – This bill requires the Department of Education to study annually pilot afterschool programs, including lottery scholarship retention by these students after they enter college.

**HB 3479 (Matlock)** – This bill creates a special exception to add Hiwassee College into the lottery scholarship program.

**HB 3193 (Shaw)** – This bill, with an amendment adopted by the Council on Pensions and Insurance, requires a percentage of the insurance of support staff to be paid for by LEAs. The amount shall be phased in and shall be no greater than 25% by 2015.

**HB 3130 (Harwell)** – This bill, as amended, codifies a teacher code of ethics, as adopted by the Tennessee Education Association.

*Rolled 1 week:*

HB 2130 (Mumpower)

HB 3544 (Maddox)

HB 564 (H. Brooks)

HB 3028 (H. Brooks)

HB 209 (Coley)

HB 3867 (U. Jones)

*Taken off notice:*

HB 549 (Hardaway)

## K-12 SUBCOMMITTEE

The **K-12 Subcommittee** also met on Wednesday to hear and discuss the bills on this, its final calendar. Next week will be the last meeting of the subcommittee, and the only bills to be heard are rolls from this week's calendar. Results of this week's actions are as follows.

*Passed to the full committee:*

**HB 2645 (Cooper)** – This bill, as amended, encourages the Department of Labor & Workforce Development to pay for the required tests for individuals to obtain their GEDs as part of career and technical education program.

**HB 2341 (S. Jones)** – This bill, as amended, requires juvenile detention facilities located within the state to report the number of youth within their facilities which are provided education services to the Department of

Education to compile into a report. The report, to be completed by January 15, 2011, shall also include recommendations by the department on a process to properly determine the allocation of BEP funding to these children and a process to guarantee that attendance and grading records are forwarded between LEAs and the detention facilities.

**HB 3868 (U. Jones)** – This bill, as amended, requires all charter schools to provide an annual report to the Department of Education on the training received by their governing board members.

**HB 3546 (Maddox)** – This bill ups the timeline on the mandate that directors of schools are to forward salary information to the Department of Education from December 1<sup>st</sup> of each year to November 1<sup>st</sup>.

**HB 3710 (Towns)** – This bill, as amended, requires students in grades 4 through 8 to demonstrate that they are knowledgeable about the content of the curriculum, as based on standardized test scores or class grades, before being promoted to the next grade level.

**HB 2087 (Towns)** – This bill takes the driver's license away from any high school dropout until they turn 21.

**HB 3474 (Kernell)** – This bill, as amended, allows that in a special school district whose borders are coterminous with the borders of a city, to use half the funding from the city government to operate the schools and the other half to use to issue bonds for capital needs. Such funds raised from the bond issuance shall only be used on schools in existence in the district at the time of issuance.

**HB 2072 (J. DeBerry)** – This bill requires the State Board of Education to create an occupational diploma, not just an attendance certificate, for students with disabilities.

**HB 285 (Coley)** – This bill, as rewritten in subcommittee, requires the Department of Education, the Tennessee Higher Education Commission, the University of Tennessee, and the Tennessee Board of Regents to work with the Confucius Institutes at the University of Memphis and Middle Tennessee State University to establish Chinese classrooms in K-12 schools and higher education institutions across Tennessee. A report shall be made to the Education Committees of the House of Representatives and the Senate on the progress on this initiative by February 1, 2011.

**HB 3149 (Winningham)** – As amended, this bill deletes the June 30, 2010 sunset of the Energy Efficient Schools Initiative.

**HB 2759 (H. Brooks)** – This bill changes the appointment procedure for open seats on LEA boards to being appointed by the rest of the LEA board members.

**HB 3133 (H. Brooks)** – This bill, being rewritten by the subcommittee, gives teachers who want to appeal a suspension or dismissal notice 30 days to appeal to chancery court.

*Rolled 1 week:*

HB 3745 (Mumpower)  
HB 2996 (J. DeBerry)  
HB 3545 (Maddox)  
HB 15 (Ferguson)  
HB 821 (Campfield)  
HB 3406 (Faulkner)  
HB 3484 (Ferguson)  
HB 3794 (M. Turner)  
HB 3962 (Pitts)  
HB 3118 (Dunn)

*Referred to Education Oversight:*

HB 3869 (U. Jones)  
HB 3871 (U. Jones)  
HB 3872 (U. Jones)  
HB 3873 (U. Jones)  
HB 299 (Hardaway)  
HB 2493 (Hardaway)

*Taken off notice:*

HB 2379 (Hawk)  
HB 797 (Campfield)  
HB 552 (Hardaway)  
HB 812 (Campfield)  
HB 874 (Bell)  
HB 2538 (Casada)  
HB 2937 (Lollar)  
HB 2967 (Hackworth)  
HB 3233 (McCord)  
HB 3336 (Carr)  
HB 3866 (Shaw)

*Bills failed:*

HB 2441 (Hardaway) – as amended

## HIGHER EDUCATION SUBCOMMITTEE

*The Higher Education  
Subcommittee met on March 31<sup>st</sup>  
and heard its final calendar. The  
subcommittee is now closed at the  
call of the chair.*

*Passed to the full committee:*

**HB 3014 (Sargent)** – As amended, this bill requires TSAC to deny professional licenses for certain professions if those persons fall too far behind on their student loans and do not respond to TSAC requests to make payment plans.

**HB 3503 (Fitzhugh)** – This bill changes several policies related to the state's higher education systems. It codifies provisions related to the Municipal Technical Advisory Service, which is part of the Institute for Public Service. It also changes the requirement that college presidents and chancellors detail their expenses quarterly, and instead must make annual reports of their expenditures. It also requires risk-based financial audits of college presidents' and chancellors' offices, requiring that at least 30% of the offices be audited in any given year. Further, it mandates that any proceeds derived from the sale of items or properties held by the University of

Tennessee's Institute of Agriculture shall remain within the institute's account and not be forwarded into the university's general fund.

**HB 1870 (Brown)** – This bill requires the forwarding of the report on LEAP programs to the chairs of the House and Senate Education committees.

**HB 3410 (Brown)** – This bill requires THEC to report to the House and Senate Education committees the annual student tuition subsidy for each institution of higher education in the state.

**HB 1862 (Brown)** – This bill requires TSAC to analyze the General Assembly Merit Scholarship program and to place the results in its annual report to the General Assembly.

**HB 1869 (Brown)** – This bill requires the commissioner of education to study the effectiveness of lottery afterschool programs and to report the data obtained to the General Assembly. As amended, the study is urged, not required.

**HB 2947 (Coley)** – This bill, as rewritten, allows schools to establish an International Baccalaureate or Advanced Placement subaccount to receive funds from entities who wish to support these programs. The funds in these subaccounts shall only use such funds for these programs.

**HB 3074 (Hill)** – This bill requires the THEC board to make updated recommendations every two years regarding the reduction in force policies at institutions of higher education to the

institutional operating boards and to the education committees of the Senate and the House.

*Deferred to THEC:*  
HB 2647 (Cooper)

*Deferred to lottery study committee:*  
HB 3241 (McCord)

*Taken off notice:*  
HB 2897 (Armstrong)  
HB 3231 (McCord)  
HB 3242 (McCord)  
HB 934 (Kernell)  
HB 3541 (Maddox)  
HB 3030 (Harwell)

*Bills failed:*  
HB 3959 (Bell) – no motion



## FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, March 30, 2010 to consider nineteen bills on the full committee's calendar and to hear further testimony from the Division of Intellectual Disabilities over questions arising from their departmental budget hearing. The budget hearing for Intellectual Disabilities will continue next week as the committee had more questions than time allowed. The following is a list of the final actions taken on the legislation that was heard before the full committee this week:

*Deferred 1 week:*

HB 1420 (Tidwell)

*Deferred 2 weeks:*

HB 969 (McCord), *as amended*

*Recommended for passage and thus referred to Calendar and Rules:*

**HB 193 (Mumpower)** – This is the bill setting up a medical school authority

for the city of Bristol's King College in Sullivan County. As rewritten in the House State & Local Government Committee, this bill authorizes local governments in counties with a population of more than 150,000, according to the 2000 federal census, that do not currently have a medical school to approve the creation of a Medical School Authority, which would thus only make this bill applicable to Knox, Hamilton, Sullivan, and Rutherford counties. It requires Medical School Authorities to file an application for corporate charter with the Secretary of State and requires the creation of a medical school authority board of directors to have no fewer than seven directors appointed by authorizing municipalities. The bill grants the medical school authority the ability to sell and issue bonds and requires the Comptroller of the Treasury to perform an audit of the Authority. It authorizes municipalities to assign or loan office space, equipment,

or employees to the medical school authority and also authorizes municipalities to make donations of property or cash grants to the Medical School Authority. Furthermore, it exempts the medical school authority, and all property owned by it, from state and local taxes. It also authorizes local governments to pledge their full faith and credit and unlimited taxing power as security on these bonds. Municipalities are authorized to give public notice five days before a meeting when consideration is to be given to securing the Medical School Authority bonds. It also authorizes municipal governments to allocate funds directly to the construction, improvement, financing, or operation of facilities managed by the Medical School Authority.

**HB 270 (Watson)** – This bill, as rewritten in the House State & Local Government Committee, requires certain information to be printed on the



mail-in application for voter registration, including a warning which states that providing false information while registering or attempting to register to vote is a Class D felony punishable by 2-12 years in prison and a possible fine ranging from \$1,000 to \$5,000. With this legislation, the registrant must also affirm that he or she is lawfully present in the United States. Current voter registration forms will be used until January 1, 2011, but on-line registration forms are required to be changed as soon as reasonably possible.

**HB 920 (Hawk)** – As amended in the Finance Committee, this bill requires all license plates which are created after the effective date of this bill, other than specialty license plates, to include the language [www.tnvacation.com](http://www.tnvacation.com) or the domain name of any subsequent official website used by the Department of Tourist Development.

**HB 1242 (Curtiss)** – As rewritten in House Commerce and subsequently amended in House Finance, this bill expands the definition of a “contractor” to require an individual to obtain a masonry contractor license if the individual does masonry construction that exceeds \$100,000 in materials and labor per job. It adds the definition of “licensed masonry contractor” to the Contractor’s Licensing Act of 1994. It requires applicants for licensure as a licensed masonry contractor to pass the approved masonry examination established in current law. The State Board of Contractors is required with this bill to charge a fee in a sum sufficient to cover costs associated with issuing a license for licensed masonry contractors.

**HB 2506 (Matlock)** – As rewritten in the House Judiciary Committee, this legislation creates a Class A misdemeanor if a person knowingly intercepts police, fire, or emergency personnel radio transmission with the intent of using that information to commit, facilitate, or aid in the flight from a criminal offense.

**HB 2651 (K. Brooks)** – As rewritten in the House Health & Human Resources Committee, this legislation enacts the “*Colby Stansberry Act*” to require health care providers to have a policy in place that places restrictions on the use of medical records, images, videos, or pictures intended to be used for appropriate medical educational purposes. This policy must include when and to whom it is appropriate to use and disclose the patient’s information and must also include when a written authorization from the patient or their representative is required prior to use or disclosure. It establishes that the patient’s next of kin will be considered an authorized representative if the patient becomes incapacitated or dies and there is no legal representative for the patient.

**HB 2813 (Odom)** – Effective July 1, 2010, this legislation prohibits a judge from imposing sentencing alternatives of continuous confinement in a local jail or in the prison system when sentencing a defendant convicted of a “non-violent property offense,” which is defined within the bill. It authorizes a judge to sentence the defendant to community corrections, probation, pre-trial diversion, or judicial diversion. If the sentencing court determines the defendant has multiple convictions and is not a suitable candidate for community corrections, probation, pre-trial diversion, or judicial diversion, the defendant may be sentenced to a period of continuous confinement. If the offender is also convicted of another felony offense, the defendant may be sentenced to a period of continuous confinement. The House Judiciary Committee amended the bill to require an offender convicted of aggravated robbery to serve 89 percent of the sentence with no reduction by credits of more than 15 percent. The Finance Committee further amended the bill adding language to the bill stating that the non-violent property offenses of “criminal simulation,” “shoplifting,” and “passing forged checks” would apply where the offense, amount taken, or amount forged is less than \$1,000.

**HB 2863 (Swafford)** – This bill requires the Fiscal Review Committee staff at the end of each year’s session to select a sample of at least five public chapters enacted within the preceding five years and compare the actual fiscal impact to the fiscal impact stated in the cumulative fiscal note. Upon completion of the review, FRC staff will be required to present the results to the Fiscal Review Committee.

**HB 2949 (Pitts)** – As rewritten in the House Health & Human Resources Committee, this bill defines “clinic” as a not-for-profit, outpatient, non-hospital facility providing primary care, dental or eye care, child delivery or birthing, or any other outpatient health care service. It includes a clinic in the definitions of a “project” that the corporation of a municipality has authority over, and authorizes such corporation to lease or sell a project to a clinic or to enter into loan agreements with a clinic with respect to a project.

**HB 3090 (Fitzhugh)** – Recommended by the Council on Pensions and Insurance, this legislation authorizes local governmental entities to become participating employers in any deferred compensation program established on behalf of state employees, provided that such participation is approved by the chair of the Tennessee Consolidated Retirement System (TCRS) and conforms with terms and conditions prescribed by the Chair of TCRS. Upon the local government’s election to participate in the deferred comp. program, the local government is authorized, with the passage of this bill, to provide the employer-matched contributions for its employees, provided that any matching contribution does not exceed the maximum amount allowed under the Internal Revenue Code.

**HB 3153 (Tindell)** – As amended, in the House State & Local Government Committee, this legislation changes the definition of “low-income households” under the Competitive Cable and Video Services Act and the definition of

“average households” under the Tennessee Housing Development Agency, so as to include the most recent release of the U.S. Census Bureau’s American Community Survey (ACS) five-year estimates.

**HB 3175 (Swafford)** – This bill, as amended in the House State & Local Government Committee, retains the provision in current law that authorizes local governments to participate in cooperative purchasing agreements with other local governments. It also specifies that municipalities of municipal agencies can consider the price of an item or service as a formal bid or an informal quotation if the law requires the municipality or municipal agency participate in the competitive bidding process.

**HB 3286 (Casada)** – As amended in the House Health & Human Resources Committee, this bill redefines “stillbirth” to mean an unintended, intrauterine fetal death after 20 weeks gestation or weight of 350 grams or more. Furthermore, it requires the Department of Health to inform applicable persons and entities licensed by the department of the requirements of this legislation at the time of their licensure.

**HB 3389 (Moore)** – As amended in the House State & Local Government Committee, and subsequently in the House Finance Committee, this bill requires persons employed in supervisory positions with the State to be present in Tennessee while supervising employees working within the state, unless such business requires out-of-state travel. “Supervisory personnel” is furthermore defined as “any person who oversees, directs, or manages the work, work flow, or employees in the performance of their daily duties.”

**HB 3605 (Fitzhugh)** – This bill, originating from the Comptroller, authorizes the Comptroller of the Treasury to require all persons prior to employment with the Office of the

Comptroller to agree to the release of investigative records and to submit to a criminal history records check, conducted by the TBI, along with supplying a fingerprint sample.

**HB 3753 by (S. Jones)** – This bill urges public transportation buses to promote the existence of the Prevent Child Abuse Tennessee hotline. It requires the Department of Education to require local education agencies to distribute information on the hotline. It also requires the Department of Human Services to require child care facilities to distribute information about the hotline.

**HB 3876 (Pruitt)** – As amended in the House Finance Committee to expand statewide the permissive, wayfinding system authorized with the passage of this bill, this legislation authorizes the Commissioner of the Tennessee Department of Transportation (TDOT) to develop guidelines regarding the construction, placement, and safety standards of tourism/wayfinding signs in municipalities with a population of 155,000 or greater (i.e., Memphis, Nashville, Chattanooga, and Knoxville), or within any county in the state. The bill authorizes TDOT to remove any signs from the interstate highway system within any participating county or municipality that were installed as a result of acts or resolutions of the Tennessee General Assembly, provided that the entity or facility’s interstate guide sign and any associated ramp sign may be removed as part of the overall plan for the tourism/wayfinding informational signage program being implemented. It also requires such county or municipality’s local government to fund the costs of the signs for the tourism/wayfinding informational signage program. Development of signage guidelines does not bind any municipality to participate in or undertake construction of a signage program.

## BUDGET SUBCOMMITTEE

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, March 31, 2010 with sixty-three bills on its calendar and addendum. Subcommittee action on these bills is as follows:

### Deferred for One Week:

HB 3413 (Brown)  
HB 2349 (Dennis)  
HB 3094 (Fitzhugh)  
HB 2496 (Hardaway)  
HB 2788 (Maggart)  
HB 2789 (Maggart)  
HB 2656 (Maggart)  
HB 2894 (Maggart)  
HB 3277 (Maggart)  
HB 3657 (Stewart)  
HB 3659 (Stewart)  
HB 3142 (Bell)  
HB 3732 (Borchert)  
HB 2776 (Casada)  
HB 2671 (Evans)  
HB 2865 (Haynes)  
HB 3421 (Litz)  
HB 2740 (Lundberg)

### Deferred for Two Weeks:

HB 3501 (C. Johnson)  
HB 3791 (Pitts)  
HB 2768 (Shipley)  
HB 2917 (Fincher)  
HB 3847 (M. Turner)  
HB 3181 (M. Turner)  
HB 2644 (B. Cooper), *as amended*  
HB 3788 (J. DeBerry)  
HB 2631 (J. DeBerry)  
HB 2632 (J. DeBerry)  
HB 2989 (Ford)  
HB 3393 (Hensley)  
HB 3259 (McCord)  
HB 3466 (McCord)  
HB 3227 (McCord)  
HB 3230 (McCord)  
HB 2752 (Swafford)

### Deferred for Three Weeks:

HB 3169 (Curtiss)  
HB 3351 (Curtiss)  
HB 2684 (Hill)  
HB 3893 (Hill)

*Behind the Budget:*

HB 3889 (Harrison)

HB 2560 (Montgomery)

*Off Notice:*

HB 3388 (Bone)

HB 3922 (Camper)

*Referred to Full Committee:*

**HB 206 (Coley)** – This bill, as rewritten by Budget Sub., requires the Tennessee Higher Education Committee (THEC) and the Department of Tourist Development to assess and study the feasibility of establishing a program of instruction in ecological tourism in public universities. THEC and the Department of Tourist Development would be required to report its findings and conclusions to both House and Senate Education Committees by February 1, 2011.

**HB 3046 (Fitzhugh)** – This bill, as amended by the House Commerce Committee, declares that the Tennessee Regulatory Authority (TRA) does not have jurisdictional or regulatory authority over carbon dioxide that is transported via an interstate pipeline. Carbon dioxide transported by pipelines would instead be regulated under the federal Natural Gas Pipeline Safety Act.

**HB 3924 (Fitzhugh)** – This highway sign bill designates the segment of U. S. Highway 70A/79 within Crockett County from the Haywood County – Crockett County boundary to the Crockett County – Gibson County boundary as the “*Veterans Memorial Highway*” and directs the Department of Transportation to manufacture and erect suitable signs. As amended in Budget Sub., Crockett County is required to direct the funding for the signs to TDOT within one year of the bill’s passage if such signs are to be installed.

**HB 3355 (Hackworth)** – This legislation authorizes local governments to conduct criminal background or fingerprint analysis, with cooperation

from the Tennessee Bureau of Investigation and the Federal Bureau of Investigation, for beer permit applicants. This bill authorizes the TBI to assess appropriate fees.

**HB 3428 (Hackworth)** – This bill, as rewritten in the House Judiciary Committee, requires the courts to assess a one-time per case \$50 administrative fee from persons who are appointed counsel in termination of parental rights cases. This fee is required to be waived or reduced by the court upon a finding that the defendant is indigent. It also authorizes the court to increase the fee to a maximum of \$200 if the defendant possesses sufficient financial resources. The bill authorizes the court clerk to retain a commission of 5% of each dollar of administrative fees collected and to transmit the remaining 95% to the State Treasurer for deposit in the general fund. Failure to pay the administrative fee can be used as evidence of the defendant’s lack of financial responsibility. The administrative fee and any recoupment or contribution ordered for the services of court-appointed counsel shall apply and shall be collected even if the charges against the defendant are dismissed. The court clerk is also required, as part of the clerk’s regular monthly report, to file a report with the court and the administrative director of the courts indicating the number of defendants appointed with court-appointed counsel, the number of defendants for whom the court waived the administrative fee, the number of defendants from whom the clerk collected administrative fees, the total amount retained by the clerk from administrative fees, and the total of administrative fees forwarded to the State Treasurer.

**HB 3709 (Towns)** – This bill, as rewritten in the House Health & Human Resources Committee, requires that after July 1, 2010, as vacancies arise on the Board of Barber Examiners, at least one of the four barber members must be an instructor,

owner, employee, or manager of a barber school.

**HB 3879 (B. Cooper)** – This bill, as amended in Budget Sub., urges the Department of Human Services to convene a meeting of interested LEAs, juvenile and other courts, DAs, and other relevant entities to plan parental and caretaker training classes for underprivileged parents and caretakers who receive temporary assistance (TANF dollars), regarding relevant statutes and parental responsibility relative to school attendance, training, homework, and school decorum.

**HB 2483 (Harmon)** – This legislation authorizes TRICOR to develop policies for the sale of TRICOR products to offenders in the custody of the Department of Correction.

**HB 2485 (Harmon)** – This bill, as rewritten in the House State & Local Government Committee, authorizes TRICOR to sell as surplus property TRICOR equipment and raw materials to businesses, government, non-profit organizations, or by public auction. It also states that it is the intent of the General Assembly that TRICOR has as part of its mission to offset the costs of incarceration by generating revenue through the sale of products in lieu of state appropriated funds.

**HB 3218 (Hawk)** – Known as the “*Mercury Product Disposal Contract Act*,” this legislation requires generators of mercury-added consumer products to remove such mercury-added products from the stream of solid waste disposal. As amended in the House State and Local Government Committee, the bill defines a “covered generator” as any generator that employs 10 or more employees. This act would require the Department of Revenue to include in its registration form an inquiry regarding the recycling of mercury-added products in its registration packet to each person who is required to register with the Department, and it also requires any updates to these forms to



be done only upon the occasion of the next scheduled printing or software update. The legislation also requires inspectors, during their inspections, to make property owners aware of this act. The term “disposed of” is defined within the bill as meaning that which is originally placed in a solid waste container whose contents are destined for delivery to a solid waste landfill for disposal or to an incinerator, boiler, or industrial furnace for burning. The bill also requires the Department of Revenue to establish and maintain a link on the Department’s web site to information concerning the Mercury Product Disposal Control Act. It also adds medical devices and restorative dental materials to the list of “mercury-containing excluded products,” which also include photographic film and paper, pharmaceutical and biological products, any substance that can be sold over the counter without a prescription as defined by federal law, button batteries used in hearing aids, radios, cameras, and other devices, as well as any device or material from which elemental mercury or mercury compounds have been removed.

**HB 725 (Hensley)** – This bill, as rewritten in House Conservation & Environment Committee, specifies that no person shall hunt on or over any baited area where such person knows or reasonably should have known that the area is or has been baited.

**HB 2663 (Lundberg)** – This highway sign bill designates the 4.4 mile segment of State Route 44 in Sullivan County from Bridge No. 82-SR044-12.29 to Bridge No. 82-SR044-7.89 as the “Veterans Memorial Highway” and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. Designating signs are required to be installed only if the related costs for the signs are paid to TDOT by Sullivan County within one year of the effective date of this act.

**HB 2548 (Lundberg)** – This bridge sign bill designates Bridge No. 82-

SR075-6.62 located 2.4 miles south of State Route 126 on State Route 75 in Sullivan County as the “*PFC Roy W. Neal Memorial Bridge*” and directs the Department of Transportation to manufacture and erect suitable signs. The late Private First Class Roy W. Neal made the ultimate sacrifice for his country on May 28, 1968, while serving in Vietnam. The costs associated with the signs will, therefore, be funded in accordance with TCA §54-1-133.

**HB 1338 (McDonald)** – This bill extends, from 60 days to 75 days, the amount of time authorized for the Chief Administrative Officer of a county to complete an inventory of certain items after taking office. The bill was further amended in the House Transportation Committee to add language expressing the intent of this General Assembly to name an appropriate bridge or bridges on State Route 840, also known as the Tennessee National Guard Parkway, as the “*CW2 Billie Jean Grinder Memorial Bridge*,” the “*Captain Marcus Ray Alford Memorial Bridge*,” and the “*Staff Sergeant Michael Wayne Tinsley, Sr. Memorial Bridge*.” All three service members were members of the Tennessee Army National Guard and died in the line of duty while in service to their country. The bill directs the Department of Transportation to manufacture and erect suitable signs with the related costs being funded in accordance with TCA §54-1-133. The final decision in selecting the appropriate bridge or bridges shall be made in consultation with the representative and senator representing the district in which these three honorable individuals resided.

**HJR 807 (McDaniel)** – This highway sign bill designates the box culvert on U.S. Highway 64 that is located one-tenth of one mile west of such highway’s intersection with State Route 114 in Wayne County as the “*Frank Davidson Memorial Bridge*” and directs the Department of Transportation to manufacture and erect suitable signs. The bill requires

Wayne County to direct the funding for the signs to the Department within one year for the resolution to become effective.

**HB 2372 (Montgomery)** – This bill, as rewritten by the House Children & Family Affairs Committee, terminates the responsibilities of the surrendering adoptive parent or parents for future child support or other future financial responsibilities after the Department of Children Services accepts the surrender of a child who was placed for adoption by DCS, and surrendering the child is determined to be in the child’s best interest. Any past child support arrearages or other financial obligations incurred for the care of the child prior to the execution of the surrender are not eliminated. This only applies to adoptive parents of children who were in the custody of DCS immediately prior to the adoption. As further amended, the bill will sunset on June 30, 2012.

**HB 3471 (Naifeh)** – This highway sign bill designates the segment of Interstate 40 from the Fayette County/ Shelby County line westward to its intersection with the Sam Cooper Boulevard in Shelby County as the “*Isaac Hayes Memorial Highway*” and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. Designating signs shall be erected only if non-state funds are paid to the TDOT to manufacture and erect such signs.

**HB 3250 (Ramsey)** – This bill, as rewritten in the House Education Committee, requires that schools place their first automated external defibrillator in the gymnasium or physical education area. Further placed AEDs (upon being purchased in the future) shall be placed in areas accessible during an emergency.

**HB 148 (Sargent)** – As rewritten in the House Commerce Committee, this bill requires all documents filed with the Department of Commerce and Insurance concerning a rating

organization's rates, supplementary rate information, policy forms, endorsements, or supporting information be open for public inspection unless the organization provides information to the Commissioner that the information is a trade secret and the Commissioner deems it so. If the information is determined not to be trade secret information, it will be returned to the organization. Furthermore, it authorizes

copies of public information be provided to anyone who submits a request and pays reasonable duplication charges.

**HJR 806 (Shepard)** – This highway sign bill designates the segment of State Route 49 in Dickson County from such route's intersection with St. Paul Road northeasterly to its intersection with Timber Ridge Road as the "*SGT Kenneth W. Harris, Jr. Memorial*

*Highway*" and directs the Department of Transportation to manufacture and erect suitable signs. The late Sergeant Kenneth W. Harris, Jr., United States Army Reserve, was killed in action while serving on active duty in support of Operation Iraqi Freedom. The costs associated with such signage shall be funded in accordance with TCA §54-1-133.



The Government Operations Committee met on March 31, 2010 to consider 28 bills.

**The following bills were taken off notice:**

**HB 2932, HB 3485, HB 3767**

**The following bills were rolled:**

**HB 2840, HB 2471, HB 2864, HB 2966, HB 3353, HB 3554, HB 3805, HB 3529, HB 3596, HB 3597, HB 3934, HB 3688, HB 1273, HB 3475, HB 3476, HB 3792, HB 995, HB 2446, HB 2452, HB 2456, HB 2459, HB 2621, HB 2855**

**The following bill was recommended for passage and referred to Consumer and Employee Affairs:**

**HB 3431 by McDonald** – This bill requires the Amusement Device Safety Board to adopt the standards and codes from the latest editions of the American Society of Mechanical Engineers and the American Society of Civil Engineers regarding elevators and other lift devices. Authorizes non-state employees to obtain a license for constructing, servicing, repairing, and performing inspections on elevators.

**The following bill was recommended for passage and referred to Education:**

**HB 3334 by H. Brooks** – This bill requires the Department of the Treasury to develop and administer a financial literacy program for the purpose of improving the financial literacy and education of Tennessee citizens. Requires the Department give an interim report on the development of the program to the House and Senate Education Committees no later than September 1, 2010.

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## FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday morning, March 30, 2010, with 20 bills on calendar. Prior to taking up the calendar, **Chairman Armstrong** recognized Ashley Turner, Family Ambassador for the Music City Division of the March of Dimes, for brief remarks, and then introduced a panel of experts representing the Tennessee Obesity Task Force (Ted Cornelius), Campaign for Healthy Kids Project (Andrew Hysell), and Tennessee Department of Health (Commissioner Susan Cooper) to discuss childhood obesity.

**HB 3310 (Armstrong)** as amended that enacts the “Annual Coverage Assessment Act of 2010” which, pursuant to approval by the Centers for Medicare and Medicaid Services (CMS), establishes an annual coverage assessment on hospitals of 3.5 percent of a covered hospital’s annual coverage assessment base that will be paid in equal quarterly installments was referred to FW&M. **HB 3526**

**(Maddox)** as amended that creates a Department of Intellectual and Developmental Disabilities (DIDD), transferring current functions of the Division of Intellectual Disabilities Services in the Department of Finance & Administration and Developmental Disabilities services in the Department of Mental Health & Developmental Disabilities, was referred to FW&M. Rep. **Maddox** took **HB 3532** off notice and rolled **HB 3552** that requires an organ donor’s body be released to an undertaker or crematory within eight hours of consent being given and the parts becoming available for donation to last calendar. Rep. **H. Brooks** rolled **HB 3346** concerning Cover Kids one week for further

consideration of proposed amendatory language. **HB 3584 (Coleman)** that requires the Department of Health, in consult with the Department of Conservation & Environment, to report to the House and Senate health committees concerning the issues relating to the safe disposal of needles as waste by January 31, 2011, was rolled to last calendar at the request of the sponsor. The committee began discussion and testimony on **HB 2145 (Kernell)** that requires the Child Care Certificate Program Policies & Procedures Manual developed by the Department of Human Services to be promulgated as a rule in accordance with the Uniform Administrative Procedures Act relative to child care agencies and authorizes the appeal of any adverse action taken against a child care agency to the Child Care Agency Licensing Board of Review. As committee time expired, **HB 2145** and all remaining bills on calendar were rolled one week, to include **HBs 1895, 3316, 3758, 3814, 3947, 3834, 3156, 3177, 2562, 3770, 2873, 3368, 3950.**

## PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday morning, March 30<sup>th</sup> to continue hearing bills on its **last calendar**. Five bills were on the calendar; one was referred to full committee. **HB 1570 (West)** was taken off notice at the request of the sponsor. **HB 2337 (Winningham)** was taken off notice at the request of the sponsor. **HB 2655 (Maggart)** as amended that enacts the “Tennessee Medication Therapy Monitoring and Management Act of 2010” was referred to full committee. This Act applies to all drugs except anti-seizure drugs, defines “medication therapy

monitoring and management program” and “drug interchange,” authorizes a prescriber to determine that a drug interchange is acceptable by a pharmacist provided that the prescriber is notified of the interchange, requires the prescriber to write “Notify of Interchange” or “NOI” on all written or faxed prescriptions or enter in the comments section of any electronic prescription, authorizes notification to the prescriber to be made verbally, by fax, or electronically, requires notice to the patient or patient’s representative and the prescriber at the time of dispensing, and exempts prescriptions written for inpatients and outpatients of a hospital where the authorized provider writes the order into the medical record, or residents of a nursing home, assisted living facility, mental hospital or residential facility, or individuals incarcerated in a local, state, or federal correctional facility. **HB 2679 (Hill)** concerning the practice of dental hygiene was referred to summer study at the request of the sponsor. Testimony and discussion on **HB 3580 (Hensley)** that requires an advanced practice nurse or physician’s assistant to be under the direct supervision of a licensed physician or osteopathic physician who is actively practicing spinal injections when performing invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves, or block of major peripheral nerves continued until the subcommittee adjourned; **HB 3580** was rolled one week.

*The final meeting of the Professional Occupations Subcommittee is scheduled for Tuesday next, April 6, 2010, with one bill on calendar (HB 3580).*



*Subcommittee is closed subject to  
the call of the chair.*

*Subcommittee is closed subject to  
the call of the chair.*



## FULL COMMITTEE

The **Judiciary Committee** passed out fifteen bills on Tuesday during its full committee meeting.

**HB 3625 (Hardaway)** as amended, prohibits any student who is a registered sex offender to live in any student residence facility managed or acquired by an institution.  
*[passed to Finance, Ways & Means]*

**HB 3098 (Stewart)** increases the punishment for kidnapping, aggravated kidnapping, and especially aggravated kidnapping to a Class B felony if the defendant falsely imprisoned the victim for 14 days or more.  
*[passed to Finance, Ways & Means]*

**HB 3691 (Coleman)** as amended, allows an individual who has severe mental illness or incompetency to not have to personally execute a bail bond, and the sheriff or clerk may allow a responsible substitute to take out the bond. The amendment also allows, rather than requires, an arresting officer to request an evaluation for involuntary commitment if the officer believes the individual is a danger to himself or others.  
*[passed to Finance, Ways & Means]*

**HB 3369 (Maggart)** as amended, requires the Board of Medical Examiners to revoke the license of any physician who is a registered violent sexual offender. If the physician is registered as a non-violent sex offender,

then the Board may revoke their license or place restrictions on their license and prohibit direct patient contact. The Board is also directed to compare the list of licensees with the sex offender registry by September 1, 2010 and take appropriate action.

*[passed to Calendar & Rules]*

**HB 3161 (Curtiss)** allows a school resource officer who witnesses an offense by a special education student to take the student into custody.  
*[passed to Calendar & Rules]*

**HB 3293 (Fitzhugh)** as amended, lists the priority of the right to dispose of a decedent's body by cremation. Priority would first be the decedent's preference as indicated by a signed writing unless the decedent executed a durable power of attorney after executing other writings. The list then continues to the spouse, adult children, and so on.  
*[passed to Calendar & Rules]*

**HB 3391 (Moore)** as amended, allows the Davidson County Circuit Courts for domestic and probate matters to appoint one or more persons to act as masters. The committee adopted a second amendment which lists the type of cases these masters are allowed to hear. These masters may hear orders of protection, petitions and orders for child support cases, show cause orders for temporary support and parenting time, attachment orders, and temporary parenting plans.  
*[passed to Calendar & Rules]*

**HB 3651 (Stewart)** enacts the "Uniform Unsworn Declarations Act." It allows the use of unsworn declarations made by persons who are physically outside the boundaries of the United States when making the declaration. An "unsworn declaration" means a declaration in a signed record that is not given under oath, but is given under penalty of perjury.  
*[passed to Calendar & Rules]*

**HB 608 (Stewart)** as amended, creates the Uniform Adult Guardianship & Protective Proceedings Jurisdiction Act. Much like with child custody cases, proceedings involving adult guardianship can be problematic when multiple courts have jurisdiction. This uniform act allows for foreign orders to be entered in Tennessee and vice versa. Moreover, it easily allows jurisdiction to be transferred from another state when the adult is moved to Tennessee.  
*[passed to Calendar & Rules]*

**HB 2694 (Dennis)** repeals statutory prohibition relative to possession of a firearm where alcoholic beverages are served.  
*[passed to Calendar & Rules]*

**HB 3040 (Dennis)** as amended, allows a law enforcement officer to carry, complete and serve blank subpoenas during course of their official duties. A second amendment was adopted clarifying that the subpoenas are only to be used at the arrest site if a witness is necessary for the prosecution of the arrested person. The officer

must indicate a date on the subpoena that will likely be the arrested person's court date, and return a copy of the subpoena to the court within 3 days. *[passed to Calendar & Rules]*

**HB 3383 (Sontany)** allows Davidson County and Shelby County to enact an ordinance allowing for the district attorney to petition the general sessions court for destruction of dangerous dogs. An amendment was adopted that requires the petition to comply with the Tennessee Rules of Civil Procedure. *[passed to Calendar & Rules]*

**HB 3432 (Coleman)** prohibits a petitioner from raising any issue in a post-conviction petition that could have been raised at trial, on appeal, or could have been made as a complaint to the court at or prior to the proceeding if the petitioner entered a guilty plea or a plea agreement with the State. *[passed to Calendar & Rules]*

**HB 2668 (Coleman)** removes brokerage firms from definition of "financial institution" for purposes of determining whether to require a conservatorship or guardianship bond and whether to approve certain investments. *[passed to Calendar & Rules]*

**HB 3583 (Coleman)** as amended, reinstates the authority of chancery court clerks to invest idle funds belonging to minors or incompetents with no guardian or custodian. *[passed to Calendar & Rules]*

The following bills were rolled one week:

**HB 2000 (Curtiss)**  
**HB 3164 (Curtiss)**  
**HB 2718 (Campfield)**  
**HB 2719 (Campfield)**  
**HB 2805 (McDonald)**  
**HB 2951 (Brooks H)**  
**HB 3254 (Armstrong)**  
**HB 0719 (Niceley)**  
**HB 2779 (Hill)**  
**HB 2780 (Hill)**  
**HB 0172 (Casada)**

**HB 3964 (Ferguson)**  
**HB 2284 (Ferguson)**  
**HB 3057 (Dennis)**  
**HB 3284 (Coleman)**

The following bills were rolled to the last calendar:

**HB 3078 (Haynes)**  
**HB 2968 (Jones U)**  
**HB 1645 (Jones U)**

**HB 0932 (Kernell)** *was taken off notice.*

**HB 3283 (Coleman)** *failed by voice vote.*

## **CRIMINAL PRACTICE AND PROCEDURE SUBCOMMITTEE**

The **Criminal Practice and Procedure Subcommittee** met on Wednesday, and passed out three bills to the full committee.

**HB 2872 (Hill)** creates a Class D felony offense of vehicular homicide if a driver fails to exercise due care in a construction or school safety zone that results in a death. *[moved to full committee]*

**HB 3894 (Hill)** increases penalty for fourth offense DUI from Class E to Class D felony and requires service of entire sentence imposed by the court; increases punishment for fifth or subsequent DUI from a Class E felony to a Class C felony and requires service of entire sentence imposed by the court. *[moved to full committee]*

**HB 2781 (Hill)** as amended, allows that a person convicted of domestic assault may be directed to complete counseling to address violence and control issues, including but not limited to batterer's intervention programs certified by the Domestic Violence State Coordinating Council or any court-ordered drug or alcohol treatment program. It also increases the civil penalty from \$200 to \$250. *[moved to full committee]*

The following bills were rolled for one week:

**HB 3493 (Sontany)**  
**HB 3122 (Fincher)**  
**HB 3064 (Campfield)**  
**HB 2907 (Todd)**  
**HB 2962 (Faulkner)**  
**HB 3516 (DeBerry J)**  
**HB 2997 (DeBerry J)**  
**HB 3518 (DeBerry J)**  
**HB 0029 (Hardaway)**  
**HB 1129 (Hardaway)**  
**HB 1835 (Kernell)**  
**HB 2783 (Hill)**  
**HB 3681 (Cobb T)**  
**HB 3240 (McCord)**  
**HB 3412 (Brown)**  
**HB 3537 (Maddox)**  
**HB 3538 (Maddox)**  
**HB 3543 (Maddox)**  
**HB 1304 (Jones S)**  
**HB 3577 (Jones S)**  
**HB 0323 (Jones S)**  
**HB 3912 (Miller)**  
**HB 3077 (Haynes)**  
**HB 2881 (Rich)**  
**HB 2659 (Faulkner)**

The following bills were taken off notice:

**HB 3096 (Shaw)**  
**HB 2782 (Hill)**  
**HB 3442 (Hill)**  
**HB 2726 (Campfield)**

## **CIVIL PRACTICE AND PROCEDURE SUBCOMMITTEE**

The **Civil Practice and Procedure Subcommittee** met on Wednesday, and passed out four bills to the full committee.

**HB 3338 (Carr)** as amended, sets up the process for a property owner to seek arbitration in an eminent domain case. Before arbitration, the county or municipal staff appraiser is required to review a counter offer from a property owner. The staff appraiser would then submit a second offer to the property owner within 30 days and notify the property owner of their right to nonbinding arbitration. The county or municipal government is required to

enter into nonbinding arbitration when a property owner is not satisfied with the compensation offered.

*[moved to full committee]*

**HB 0185 (Floyd)** as amended, codifies the common law doctrine of “unclean hands.” The legislation states that fraud, deceit, intentional misrepresentation and similar unconscionable or inequitable conduct are contrary to the public policy of the state and have long been condemned by the common law doctrine of unclean hands. According to the Tennessee Judicial Council, this legislation would enable reliance on Tennessee law by Georgia courts when there is a determination of which state’s laws should govern in conflicts cases. Georgia mandates that only statutory law of a foreign state can be recognized by its courts.

*[moved to full committee]*

**HJR 30 (Casada)** rescinds three specific resolutions from 1977 and any other resolutions passed at any time that call for a federal constitutional convention.

*[moved to full committee]*

**HB 3768 (Dennis)** as amended, states that any contract, arbitration agreement, or other agreement based on the law of a foreign state or country that incorporates any law that would violate any rights and privileges granted under the U.S. or Tennessee constitutions are against the public policy of this state and are void and unenforceable. Any person who seeks to maintain litigation, arbitration, or similar binding procedures that will violate the constitutional rights of the non-claimant shall have their request denied.

*[moved to full committee]*

The following bills were rolled one week:

**HB 2649 (Tidwell)**  
**HB 3058 (Niceley)**  
**HB 3178 (Turner M)**  
**HB 2888 (Turner M)**  
**HB 0126 (Hardaway)**  
**HB 0130 (Hardaway)**  
**HB 2437 (Hardaway)**  
**HB 3224 (McCord)**  
**HB 3226 (McCord)**  
**HB 3239 (McCord)**  
**HB 3464 (McCord)**  
**HB 3905 (McCord)**  
**HB 3880 (Kernell)**  
**HB 3881 (Kernell)**  
**HB 3882 (Kernell)**  
**HB 2952 (Brooks H)**  
**HB 3380 (Sontany)**  
**HB 3385 (Sontany)**

**HB 3585 (Coleman)** *was taken off notice.*

**HB 3001 (McDaniel)** *failed on a voice vote.*



## FULL COMMITTEE

The **State & Local Government Committee** passed out eighteen bills on Tuesday during its full committee meeting.

**HB 3417 (Winningham)** as amended would authorize Industrial Development Corporations (IDCs) to finance roads, streets, utilities or other public improvements until June 30, 2012 for any project identified in an economic impact plan that is located in a mixed-use development.

*[passed to Finance, Ways & Means]*

**HB 3806 (Turner M)** would authorize the board of claims to establish incentive programs for state departments, agencies, or institutions to

reduce liabilities to the risk management fund.

*[passed to Finance, Ways & Means]*

**HB 3598 (Fitzhugh)** as amended would add three members to the West Tennessee Megasite Authority. The governor would appoint three members to the authority that reside in counties that are contiguous to the county in which the megasite is located.

*[passed to Calendar & Rules]*

**HB 2187 (Brooks K)** as amended would remove the Comptroller of the Treasury from the audit and budget committee of the Tennessee Housing Development Agency and replace this individual on the committee with the State Treasurer.

*[passed to Finance, Ways & Means]*

**HB 3973 (Halford)** is a local bill that would create a procedure for a run-off election following the regular mayoral election in the event that no candidate received a majority of the votes.

*[passed to Calendar & Rules]*

**HB 2915 (Cooper B)** would require the Comptroller to study the number of inmates in county jails that have been incarcerated for offenses for which they have not been convicted. The Comptroller would then be required to deliver the report to the Select Oversight Committee on Corrections on or before February 15, 2011. The amendment that was added in the State Government subcommittee to this bill that would only “urge” the Comptroller to conduct the study was not adopted by the full committee.

*[passed to Calendar & Rules]*



**HR 259 (Bone)** confirms the appointment of George Harding to the Registry of Election Finance  
*[passed to Calendar & Rules]*

**HB 2682 (Hill)** would allow downtown Jonesborough to create a courthouse square revitalization and tourism development zone. An amendment was added that would cap the amount of revenue apportioned and distributed to Jonesborough under the original legislation at \$475,000.  
*[passed to Finance, Ways & Means]*

**HB 3268 (Jones S)** would create a presumption that if an infectious disease is acquired by a firefighter, paramedic, emergency medical technician, or emergency medical technician advanced, it was suffered in the line of duty unless the contrary is shown by competent evidence. An amendment was added to remove instructors at the Department of Commerce and Insurance from the legislation.  
*[passed to Finance, Ways & Means]*

**HB 3974 (Sargent)** is a local bill that requires all transfers of appropriations be decided by ordinance, as opposed to mayoral authority. It also repeals the portion of the charter of the city of Franklin that established the duty of the city treasurer.  
*[passed to Calendar & Rules]*

**HB 3975 (Sargent)** is a local bill that clarifies that the City of Franklin has the authority to grant franchises for public services to both residential and commercial users.  
*[passed to Calendar & Rules]*

**HB 3976 (Sargent)** is a local bill that repeals the portion of the charter of the city of Franklin that requires the treasurer and all department heads to be appointed or confirmed by the board of the mayor and alderman. It also repeals the provision that vests the city judge with juvenile court jurisdiction concurrent with that of juvenile court judges of the state.  
*[passed to Calendar & Rules]*

**HR 265 (Tindell)** lists the 501(c)(3) charities that were approved by the Secretary of State's office for charitable gaming events.  
*[passed to Calendar & Rules]*

**HB 3971 (Cobb J)** is a local bill that would amend the charter of Graysville by revising the membership on the board of commissioners from six commissioners to four commissioners.  
*[passed to Calendar & Rules]*

**HB 3404 (Ramsey)** would authorize any municipality to change the date if its elections by ordinance to coincide with the August or November general elections. It would also extend the terms of the current incumbents to meet the new date, but no term can be extended for more than two years.  
*[passed to Finance, Ways & Means]*

**HJR 798 (Jones U)** urges the U.S. Nuclear Regulatory Commission to disapprove the request to import, process, or dispose of low-level radioactive waste from Italy (or any other country) to the United States.  
*[passed to Calendar & Rules]*

**HB 2750 (Todd)** allows eligible voters to register to vote up to five days before the election if the voter presents documentation that he/she resides at an address, even if the registration notification form that is sent out by the county election commission was returned as undeliverable a second time and that registration was purged. The bill also requires the administrator of elections to mail registration cards.  
*[passed to Finance, Ways & Means]*

**HB 3448 (Pitts)** as amended would restrict the IRS from using reappraisals of land to compute federal estate taxes.  
*[passed to Finance, Ways & Means]*

**HB 3165 (Curtiss)** was rolled one week

**HB 2665 (Lundberg)** was rolled for one week

**HJR 852 (Jones S)** was rolled for one week

**HJR 0005 (Hardaway)** was rolled for one week

**HB 2822 (Cobb T)** was rolled for two weeks

**HB 3350 (Curtiss)** was taken off notice

**HB 2661 (Lundberg)** was taken off notice

## ELECTIONS SUBCOMMITTEE

The **Elections Subcommittee** met on Tuesday and moved two bills to the full committee.

**HB 3587 (Coleman)** requires corporations to file statements of contributions and expenditures when using corporate funds to aid in the election or defeat of a candidate for political office. This bill would clarify the current reporting requirements for corporations. A verbal amendment was added in committee to only require corporations to provide names and mailing addresses for shareholders that hold at least 5% stake in the corporation. The amendment also removed the requirement that lobbyist expenditures be included in the filing statement.

*[failed to move out of committee]*

**HB 3705 (Towns)** would allow candidates to enter into payment plans for civil penalties that are issues by the Registry of Election Finance. An amendment was added to clarify the scheduling of payments, including a requirement that the monthly payments be at least 5% of the total penalty assessed.  
*[passed to the full committee]*

**HB 3715 (Hardaway)** would prohibit foreign corporations from using funds to aid in the election or defeat of any candidate for office. A similar bill is already in the full State & Local committee (HB 3182), and Rep. Hardaway will work with that bill's sponsor to determine if this bill is necessary.  
*[passed to the full committee]*

**HB 3626 (Dennis)** would enact the “Corporate Expenditure Disclosure Act”. This bill revises various provisions governing the use of corporate funds in elections. An amendment was added to remove the 10-day reporting requirement for corporate expenditure statements.

*[failed to move out of committee]*

**HB 3065 (Campfield)** as amended would restrict the spending of public funds by local municipalities to oppose or support a referendum.

*[failed to move out of committee]*

The following bills were taken off notice:

**HB 2046 (McCord)**

**HB 3234 (McCord)**

**HB 3714 (Hardaway)**

## STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** met on Tuesday and moved seven bills to the full committee.

**HB 3446 (Yokley)** as amended would create a special joint committee to study the feasibility of providing relief to senior citizens by capping or freezing their utility rates.

*[passed to the full committee]*

**HB 3576 (Rowland)** would limit the reimbursement that may be paid for in-state air travel by members of the General Assembly. The reimbursement for air travel would be limited to not exceed the mileage allowance that a member receives for driving to Nashville.

*[passed to the full committee]*

**HB 2914 (Cooper B)** as amended would urge the Comptroller to study the number of state inmates who have been incarcerated for crimes for which they have not been convicted.

*[passed to the full committee]*

**HB 3347 (Curtiss)** would direct the Comptroller to review statutory

financing available to local governments and to make suggestions to improve local governments credit ratings, reduce bond insurance costs, and improve the sale of securities by local governments. *[passed to the full committee]*

**HB 3591 (Miller L)** as amended would require the Department of General Services to develop a plan to increase state expenditures of state dollars to promote small businesses in the state. A minimum goal of 20% would be set for small businesses to receive contracts that are awarded by the state for goods or services. The Department of General Services would also be required to study the opportunities that are available to small businesses and to consider factors that could be enhanced to improve those opportunities.

*[passed to the full committee]*

**HB 3935 (Kernell)** would clarify the length of terms and the membership of the West Tennessee Seismic Safety Commission

*[passed to the full committee]*

**HB 1339 (Litz)** as amended would allow the Department of Transportation to accept a functional replacement for real property.

*[passed to the full committee]*

**HB 3245 (McCord)** was *taken off notice*

**HB 3885 (Kernell)** was *taken off notice*

The following bills were rolled for one week:

**HB 2911 (Gilmore)**

**HB 3402 (Turner M)**

**HB 2826 (Cobb T)**

## LOCAL GOVERNMENT SUBCOMMITTEE

The **Local Government Subcommittee** met on Wednesday and moved fourteen bills to the full committee.

**HB 2635 (DeBerry J)** would exempt from taxation real property buildings on land owned by charitable institutions and developed for construction of residences for low-income households. *[passed to the full committee]*

**HB 2998 (DeBerry J)** allows a municipality to contract and outsource processing of property tax relief applications to another collecting official. It also permits the waiver of the deadline of an application for good and reasonable cause.

*[passed to the full committee]*

**HB 2899 (Dean)** as amended would establish a rental inspection system for the city of East Ridge.

*[passed to the full committee]*

**HB 3443 (Hill)** removes the specific authority for Johnson City to implement redevelopment districts with tax increment financing. It also provides for the allocation and payment of property taxes on redevelopment districts subject to tax increment financing.

*[passed to the full committee]*

**HB 3892 (Hill)** excepts county governments that have adopted the County Purchasing Law of 1957 from bidding for group health insurance contracts. A verbal amendment was added in the committee to specify that this legislation only applies to Washington County.

*[passed to the full committee]*

**HB 3248 (Casada)** as amended would allow a specific restaurant in Williamson County to sell wine.

*[passed to the full committee]*

**HB 2522 (Matheny)** as amended would allow deputy sheriffs to campaign for, and hold, elected office. However, the deputy sheriff is not allowed to campaign while on duty, in uniform, or on official time. There is an additional restriction that will not allow the deputy sheriff to use their official position to reflect their personal political feelings, or to exert pressure or attempt

to influence another person's political views.

*[passed to the full committee]*

**HB 2703 (Montgomery)** as amended would allow the Central Business Improvement Zone in the city of Sevierville to increase interest rates on the bonds they have issued.

*[passed to the full committee]*

**HB 3604 (Fitzhugh)** as amended would change references in the statute to the Office of Local Finance, Director of Local Finance, Bond Finance, and Director of Bond Finance to Comptroller of Finance. These offices are being consolidated into the State and Local Finance office within the Comptroller's office.

*[passed to the full committee]*

**HB 3606 (Fitzhugh)** removes the exception of counties with a population of at least 50,000 people from the property tax rate adjustment in special school districts.

*[passed to the full committee]*

**HB 3197 (Faulkner)** as amended would require that any civil penalties that are imposed on a business that illegally sold alcohol to a minor are held until the individual that is responsible for the illegal purchase of alcohol is

charged. The bill was rolled for one week to allow further discussion

*[rolled one week]*

**HB 3968 (Barker)** is a local bill that would decrease the number of alderman in the Town of Rives from six to three. It would also reduce the number of alderman that serve as committee members from three to two, and would decrease the number of alderman required for a quorum from four to two.

*[passed to the full committee]*

**HB 2675 (Todd)** would require individuals that are seeking a restaurant license to submit food sale information to the Alcoholic Beverage Commission in order to receive or renew a license for the on-premises consumption of alcoholic beverages.

*[passed to the full committee]*

**HB 499 (Todd)** as amended sets out procedures for an establishment to get an ABC liquor-by-the-drink license without getting a restaurant license. There would be a food requirement in place under the new procedures.

*[passed to the full committee]*

**HB 2688 (Lundberg)** as amended would require that all fees, fines and

other penalties be paid to the ABC before a license can be renewed. It would also require that the Uniform Administrative Procedures Act be followed in regards to the ABC hearing process.

*[passed to the full committee]*

*The following bills were rolled for one week:*

**HB 3729 (Hardaway)**

**HB 2827 (Coley)**

**HB 3160 (Curtiss)**

**HB 3451 (Coleman)**

**HB 3658 (Stewart)**

**HB 3956 (Stewart)**

**HB 3731 (Tidwell)**

*The following bills were taken off notice:*

**HB 0021 (Hardaway)**

**HB 0022 (Hardaway)**

**HB 1139 (Hardaway)**

**HB 3312 (Camper)**

**HB 3854 (Faulkner)**

**HB 2356 (Todd)**

**HB 2660 (Lundberg)**

**HJR 0771 (Bass)** was rolled to a study committee

**HB 3697 (Curtiss)** failed to move out of the committee



## FULL COMMITTEE

The **House Transportation Committee** convened March 31, 2010 to hear twelve bills.

**HB2416 (M. Turner)** was accidentally put on the calendar. Last week it was placed in the **Omnibus Special License Plate Bill**.

**HB2814 (Armstrong)** and **HB3150 (Harwell)** were taken off notice

**HB2544 (K. Brooks), HB2797 (McCord)** and **HB3684 (McCord)** were deferred for one week.

**HB2653 (Maggart)** was rolled to the last calendar.

The following bills were passed by the committee and referred to the **Calendar and Rules Committee**:  
**HB3041 (Dennis)** – As amended, allows commissioner of TDOT, when receiving certain federal transportation enhancement grant funding for

acquisition of scenic or historic sites to contract with certain civil war preservation organizations for use of such funds.

**HB3828 (T. Cobb)** – Revises provisions governing the maximum weight per axle or group of axles allowed on public highways.

**HJR875 (Harmon)** – Creates a special committee to study coordination of interagency transportation.



The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee:**

**HB3627 (Weaver)** – As amended, encourages TDOT to prioritize projects using certain objectives, and urges the commissioner to submit annually to the Transportation Committees of the House and Senate a list of bridges under the bridge bond program. Also encourages TDOT to continue to work to complete the county seat connector program.

**HB262 (Watson)** – As amended, requires all examinations administered to applicants for a driver license shall be in English, with exceptions. Exempted are persons who have been approved to be in the US by the US Dept. of Homeland Security, for a specific purpose, including investing, overseeing investment, or providing needed services to companies or businesses in Tennessee. The persons must be in Tennessee for a specified period of authorized stay. Examinations for these persons may be administered in languages as determined by the Dept. of Safety with assistance from Dept. of Economic and Community Development.

The Tennessee Department of Transportation presented its budget to the committee.

## **RURAL ROADS SUBCOMMITTEE**

*Subcommittee is closed subject to  
the call of the chair.*

## **PUBLIC SAFETY SUBCOMMITTEE**

The **Public Safety & Rural Roads Subcommittee** met March 24, 2010 to consider eighteen bills.

**HB149 (Mumpower), HB2733 (Mumpower), HB2738 (Mumpower), HB2883**

**(Mumpower), HB36 (Hardaway), HB3262 (P. Johnson) and HB1333 (P. Johnson)** were rolled one week to the last calendar.

**HB3079 (Shipley), HB3960 (Armstrong), HB3790 (M. Turner) and HB2940 (Carr)** was taken off notice.

The following bills were passed by the committee and referred to the full **Transportation Committee:**  
**HB1426 (Niceley)** – prohibits state from being required to participate in the implementation of the federal REAL ID Act of 2005, which mandates a national identification card for each citizen of the United States.

**HB3120 (Gilmore)** – As amended, allows a person with a suspended license to pay, during the first six months of the fiscal year, 50% of fines and court costs older than 5 years. The bill would only apply to Davidson County.

**HB3025 (Harmon)** – As amended, changes some requirements of passenger transportation services. The bill allows the transportation provider to avoid maintaining \$1,000,000 liability insurance if it is self-insured. Instead of an annual safety examination, each transportation provider shall undergo an annual safety compliance review by the Department of Safety. Also, motor vehicles transporting TennCare enrollees will be explicitly included in the requirements.

**HB3146 (Winningham)** – Authorizes issuance of honorably discharged registration plates to civilian veterans of the United States Army Corps of Engineers.

**HB3489 (Ferguson)** – Allows highway maintenance or utility vehicles to operate a white, amber, or white and amber light system on any location on the vehicle.

**HB2196 (Camper) and HB2516 (Faulkner)** were accidentally referred to subcommittee, and they were referred to the full **Transportation Committee**

It is anticipated that **Public Safety Subcommittee** will have its last meeting next week.